

Senate Study Bill 1155 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON LABOR AND BUSINESS
RELATIONS BILL BY
CHAIRPERSON HORN)

A BILL FOR

1 An Act prohibiting an employer from retaliation against
2 employees that is related to the pursuit of workers'
3 compensation claims.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 85.18, Code 2011, is amended to read as
2 follows:

3 **85.18 Contract to relieve not operative — retaliation**
4 **prohibited.**

5 1. No contract, rule, or device whatsoever shall operate to
6 relieve the employer, in whole or in part, from any liability
7 created by this chapter except as herein otherwise provided in
8 this chapter.

9 2. An employer shall not discharge, discriminate, or in
10 any manner retaliate against an employee for pursuing the
11 employee's statutory right to compensation for work-related
12 injuries under this chapter or chapter 85A, 85B, 86, or 87.
13 An employer shall not prevent or hinder an employee from
14 contacting an attorney regarding the employee's statutory right
15 to compensation for work-related injuries.

16 3. An employer shall not discharge, discriminate, or in
17 any manner retaliate against an employee for assisting another
18 employee in pursuing that employee's right to compensation for
19 work-related injuries under this chapter or chapter 85A, 85B,
20 86, or 87, including assisting another employee in contacting
21 an attorney regarding the other employee's statutory right to
22 compensation for work-related injuries, or testifying on behalf
23 of another employee in a proceeding brought under or related to
24 this chapter or chapter 85A, 85B, 86, or 87.

25 4. An employee has a cause of action at law against an
26 employer for damages caused by a violation of this section.

27 EXPLANATION

28 This bill amends Code section 85.18 to prohibit an employer
29 from discharging, discriminating, or in any manner retaliating
30 against an employee for pursuing the employee's statutory right
31 to compensation for work-related injuries, including preventing
32 or hindering an employee from contacting an attorney regarding
33 those statutory rights. The bill codifies an Iowa Supreme
34 Court ruling in Springer v. Weeks & Leo Co., 429 N.W.2d 558
35 (Iowa 1988) which held that the discharge of an employee for

1 pursuing that statutory right violates a clearly articulated
2 public policy of this state.

3 The bill also prohibits an employer from discharging,
4 discriminating, or retaliating in any manner against an
5 employee who assists another employee in pursuing that
6 employee's right to workers' compensation, including assisting
7 the other employee in contacting an attorney or testifying on
8 behalf of another employee in a proceeding brought under this
9 state's workers' compensation laws. This provision responds
10 to a ruling in Ballalatak v. All Iowa Agriculture Association,
11 781 N.W.2d 272 (Iowa 2010) which held that the public policy
12 found in Iowa's workers' compensation statutes that protects
13 injured employees against retaliation for the pursuit of their
14 statutory rights to workers' compensation does not extend to
15 other employees who advocate internally for another employee's
16 workers' compensation claim or internally raise concerns about
17 the employer's compliance with workers' compensation statutes
18 as it relates to another injured employee.

19 An employee has a cause of action at law against an employer
20 for damages caused by a violation of Code section 85.18.